



08-25-05

Receipt  
IFW

EXPRESS MAIL NO.: EV704110779US

August 23, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Benjamin R. Yerxa, *et. al.*

Appl. No.: 10/082,998

Filed: February 27, 2002

For: **COMPOSITIONS AND  
METHODS FOR TREATING  
EPITHELIAL AND RETINAL  
TISSUE DISEASES**

Art Unit: 1623

Examiner: Howard Owens

Atty. Docket: 03678.0102.CPUS00

Confirmation No.: 3186

**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Commissioner for Patents  
Box 1450  
Alexandria, VA 22213-1450

Sir:

Applicants hereby request that a corrected Official Filing Receipt be issued and sent to the undersigned representative. Specifically, the following corrections to the Official Filing Receipt are requested:

**THIS APPLICATION IS A CIP OF 09/934,970 08/21/2001**

**~~WHICH IS A CIP OF 09/643,138 08/21/2000~~**

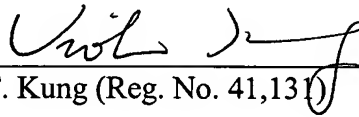
**TITLE: ~~Compsoitions~~ Compositions and methods for treating epithelia and retinal tissue diseases.**

A photocopy of the instant Official Filing Receipt is enclosed with the corrections noted in red. Also enclosed is a copy of the Request to Amend Priority and Inventor Declaration, which was submitted to the USPTO on February 26, 2003 (postcard receipt attached herewith).

Application No.: 10/082,998  
Attorney Docket No. 03678.0102.CPUS00

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to **Deposit Account No. 08-3038**, referencing docket number **03678.0102.PCUS00**.

Respectfully submitted,

  
\_\_\_\_\_  
Viola T. Kung (Reg. No. 41,131)

Date: August 23, 2005

HOWREY LLP  
2941 Fairview Park Drive, Box 7  
Falls Church, VA 22042  
Telephone: (650) 463-8133  
Fax: (650) 463-8400

Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/082,998	02/27/2002	1635	435	03678.0102.CPUS00		20	2

CONFIRMATION NO. 3186

## UPDATED FILING RECEIPT



\*OC00000008230711\*

27194

HOWREY SIMON ARNOLD & WHITE, LLP  
BOX 34  
301 RAVENSWOOD AVE.  
MENLO PARK, CA 94025



RECEIVED

JUN 10 2002

Howrey - SV

Date Mailed: 06/05/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Benjamin R. Yerxa, Raleigh, NC;  
James G. Douglass III, Apex, NC;  
Sammy Ray Shaver, Chapel Hill, NC;  
Ward M. Peterson, Durham, NC;  
Edward G. Brown, Apex, NC;  
Christopher S. Crean, Apex, NC;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF ~~09/034,970 08/21/2001~~  
~~WHICH IS A CIP OF 09/643,138 08/21/2000~~

## Foreign Applications

If Required, Foreign Filing License Granted 04/11/2002

Projected Publication Date: 09/12/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

DOCKETED *aluto/kwp*  
06/10/02  
*KTR*

Title *Compositions*  
~~Compositions~~ and methods for treating epithelia and retinal tissue diseases

Preliminary Class  
514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



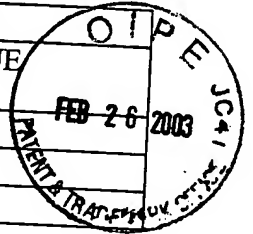
COPY

Please indicate receipt of the below-identified paper:

<input checked="" type="checkbox"/> New Application For:		Priority Date:		PTO
<input type="checkbox"/> Foreign priority already claimed		Fee Amount:	or any related fee not specified	
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA	<input type="checkbox"/>
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	Sheets	
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Final Rejection		
<input checked="" type="checkbox"/> Other: PTO Form 1083 (1 pg.); Request to Amend Priority (1 pg.); Combined Dec. & Power (4 pgs.); and postcard				
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input checked="" type="checkbox"/> Exp. Mail: EL539792281US		

**IDENTIFICATION OF APPLICATION**

Serial No.: 10/082,998	Responsible Attorney: APH/VTK
Title: COMPOSITIONS AND METHODS FOR TREATING EPITHELIAL AND RETINAL TISSUE DISEASES	
Applicant: Benjamin R. Yerxa, et al.	
Client: Inspire	Entered By: jp
Mailed: February 26, 2003	Firm File No.: 03678.0101 CPUS00
Filed: February 26, 2003	Due Date:



Express Mail No.: EL539792281US



**HOWREY SIMON ARNOLD & WHITE, LLP**  
301 Ravenswood Avenue, Box 34  
Menlo Park, CA 94025  
(650) 463-8100

**COPY**

FORM PTO-1083

Attorney Docket No.: 03678.0102.CPUS00

In re application of:

Benjamin R. Yerxa, et al.

Appl. No.: 10/082,998

Filed: February 27, 2003

Confirmation No.: 3186

**For: COMPOSITIONS AND METHODS FOR TREATING EPITHELIAL AND RETINAL  
TISSUE DISEASES**

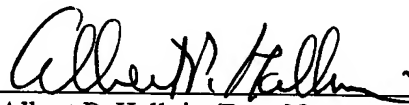
COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith is the following in the above-identified application.

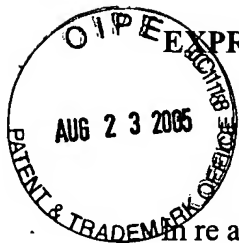
1. PTO Form 1083 (1 pg.);
2. Request to Amend Priority Claim (1 pg.);
3. Combined Declaration and Power of Attorney (4 pgs.); and
4. Return Receipt Postcard.

■ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-3038 referencing docket number 03678.0102.CPUS00. A duplicate copy of this sheet is attached.

  
Albert P. Halluin (Reg. No. 25,227)  
Viola T. Kung (Reg. No. 41,131)

Date: February 26, 2003

HOWREY SIMON ARNOLD & WHITE, LLP  
Box No. 34  
301 Ravenswood Ave.  
Menlo Park, CA 94025  
(650) 463-8109



EXPRESS MAIL NO.: EL539792281US

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Benjamim R. YERXA, et al.

Appl. No.: 10/082,998

Filed: February 27, 2002

For: COMPOSITIONS AND  
METHODS FOR TREATING  
EPITHELIAL AND RETINAL  
TISSUE DISEASES

Art Unit: 1635

Examiner: Not Yet Assigned

Attorney Docket: 03678.0102.CPUS00

Confirmation No.: 3186

**REQUEST TO AMEND PRIORITY CLAIM**

Commissioner for Patents  
Washington, D.C. 20231

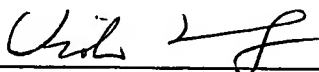
Sir:

Applicants are requesting herewith to correct priority claim of this application. Applicants have incorrectly claimed benefit of both applications 09/934,970, filed August 21, 2001, and 09/643,138, filed August 21, 2000. The correct priority claim is only to 09/643,138, filed August 21, 2000. Applicants are submitting herewith newly executed Invention Declaration, which indicates the correct priority claim.

Applicants request that a corrected Filing Receipt be issued to reflect the change in priority claim.

Respectfully submitted,

Date: February 26, 2003

  
Albert P. Halluin (Reg. No. 25,227)  
Viola T. Kung (Reg. No. 41,131)

HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
Box No. 34  
Menlo Park, CA 94025  
(650) 463-8109



COPY

## Combined Declaration and Power of Attorney for Patent Application

Docket Number: 03678.0102.CPUS00

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Compositions and Methods for Treating Epithelial and Retinal Tissue Diseases, the specification of which is attached hereto unless the following box is checked:

☒ was filed on February 27, 2002;  
as United States Application Number or PCT International Application Number 10/082,998; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

\_\_\_\_\_  
(Application No.) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

\_\_\_\_\_  
(Application No.) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application No.) (Filing Date)

\_\_\_\_\_  
(Application No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.



09/643,138  
(Application No.)

August 21, 2000  
(Filing Date)

Pending  
(Status - patented, pending, abandoned)

\_\_\_\_\_  
(Application No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jason C. Abair, Reg. No. 44,007  
Ethan B. Andelman, Reg. No. 48,997  
Michael J. Bell, Reg. No. 39,604  
Andrew S. Brenc, Reg. No. 45,534  
Celine T. Callahan, Reg. No. 34,301  
Kevin Cheatham, Reg. No. 48,766  
Jenny W. Chen, Reg. No. 44,604  
Robin C. Chiang, Reg. No. 46,619  
Chris Comuntzis, Reg. No. 31,097  
James F. Davis, Reg. No. 21,072  
Thomas M. Dunham, Reg. No. 39,965  
Panpan Gao, Reg. No. 43,626  
Darren J. Gold, Reg. No. 47,599  
Alan M. Grimaldi, Reg. No. 26,599  
J. Jay Guiliano, Reg. No. 41,810  
Albert P. Halluin, Reg. No. 25,227  
Leslie L. Jacobs, Jr., Reg. No. 40,659  
Derek J. Jardieu, Reg. No. 44,483

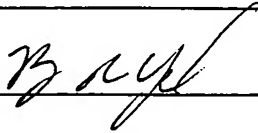
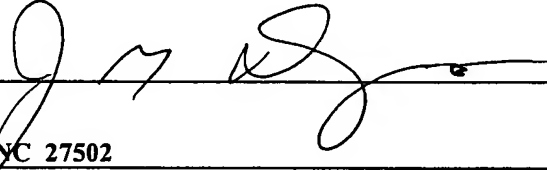

Christopher L. Kelley, Reg. No. 42,714  
Brian S.Y. Kim, Reg. No. 41,114  
Viola T. Kung, Reg. No. 41,131  
Robert C. Laurenson, Reg. No. 34,206  
Joseph P. Lavelle, Reg. No. 31,036  
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Matthew J. Moore, Reg. No. 42,012  
Andrew Y. Piatnicia, Reg. No. 40,772  
William C. Rooklidge, Reg. No. 31,791  
Michael J. Stimson, Reg. No. 45,429  
William K. West, Reg. No. 22,057  
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Jayna R. Whitt, Reg. No. 47,175  
Karen K. Wong, Reg. No. 44,409  
Wallace Wu, Reg. No. 45,380  
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Mark Montgomery, Reg. No. 30,780

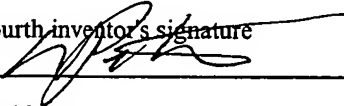


Send Correspondence to:

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Facsimile: (650) 463-8144

Direct Telephone Calls to: (650) 463-8109

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <b>Benjamin R. YERXA</b>	
Inventor's signature 	Date <b>FEB 19, 2003</b>
Residence <b>3119 Birnamwood Road, Raleigh, NC 27607</b>	
Citizenship <b>US</b>	
Post Office Address <b>3119 Birnamwood Road, Raleigh, NC 27607</b>	
Full name of second inventor <b>James G. DOUGLASS, III</b>	
Second inventor's signature 	Date <b>FEB 19, 2003</b>
Residence <b>211 S. Mason Street, Apex, NC 27502</b>	
Citizenship <b>US</b>	
Post Office Address <b>211 S. Mason Street, Apex, NC 27502</b>	
Full name of third inventor <b>Sammy Ray SHAVER</b>	
Third inventor's signature 	Date <b>FEB 19, 2003</b>
Residence <b>614 Hollow Ct., Chapel Hill, NC 27516-9459</b>	
Citizenship <b>US</b>	
Post Office Address <b>614 Hollow Ct., Chapel Hill, NC 27516-9459</b>	

Full name of fourth inventor <b>Ward M. PETERSON</b>	
Fourth inventor's signature 	Date <b>FEB 19, 2003</b>
Residence <b>202 Chandler Chase Court, Morrisville, NC 27560</b>	
Citizenship <b>US</b>	
Post Office Address <b>202 Chandler Chase Court, Morrisville, NC 27560</b>	
Full name of fifth inventor <b>Edward G. BROWN</b>	
Fifth inventor's signature 	Date <b>FEBRUARY 20, 2003</b>
Residence <b>302 Glenmore Road, Cary, NC 27519</b>	
Citizenship <b>US</b>	
Post Office Address <b>302 Glenmore Road, Cary, NC 27519</b>	
Full name of sixth inventor <b>Christopher S. CREAN</b>	
Sixth inventor's signature 	Date <b>FEB 19, 2003</b>
Residence <b>208 Calebra Way, Cary, NC 27519</b>	
Citizenship <b>US</b>	
Post Office Address <b>208 Calebra Way, Cary, NC 27519</b>	

(Supply similar information and signature for subsequent joint inventors, if any)